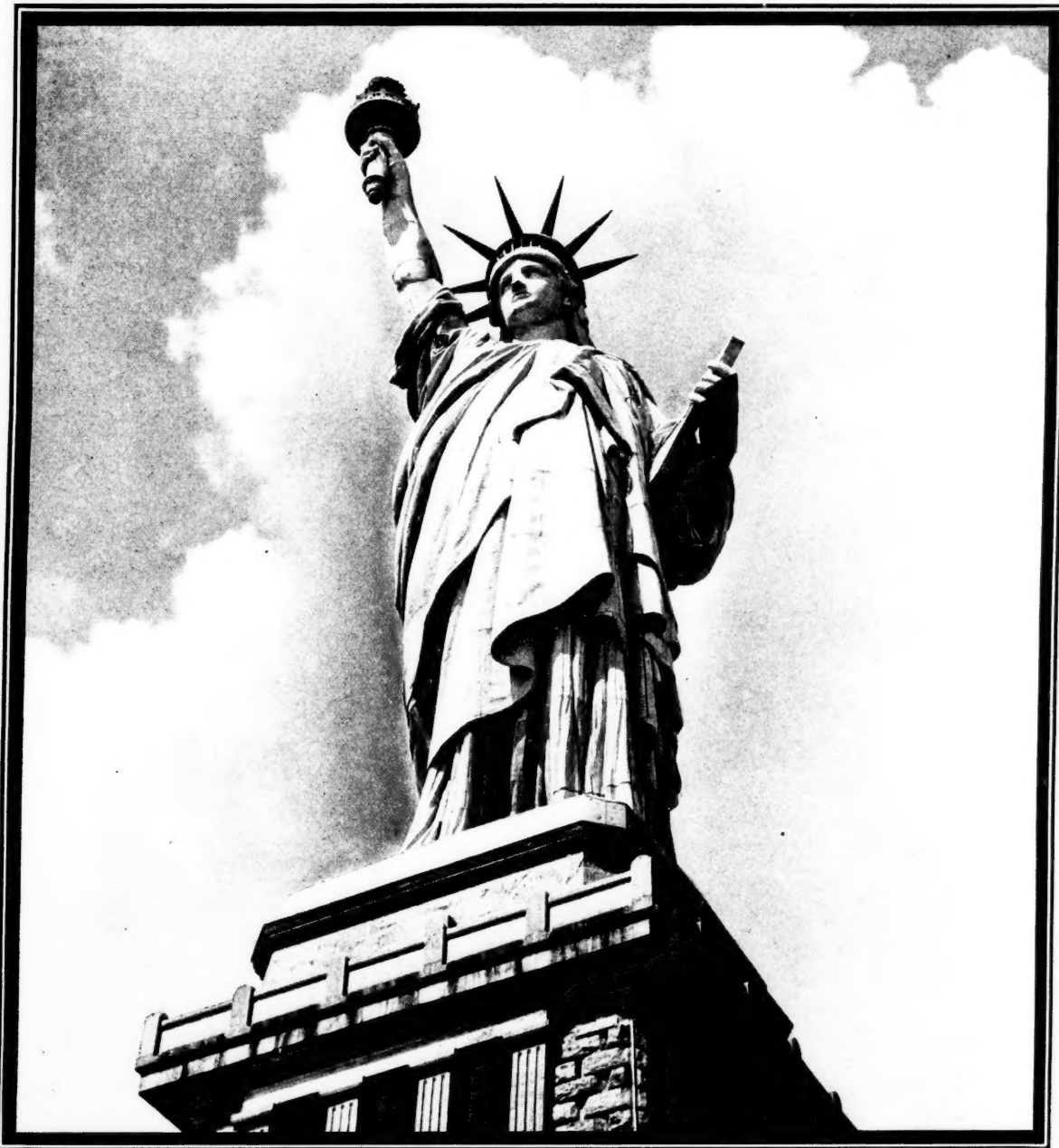




Founded 1886

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



H. A. ROBERTS

AN IMPOSING VIEW OF THE STATUE OF LIBERTY IN NEW YORK HARBOR

Timely Articles by U. S. Senator E. C. Johnson on Render Unto Caesar and Congressman J. Randolph on Guarding Religious Freedom

15 CENTS A COPY

WASHINGTON, D.C.

DECLARATION of PRINCIPLES

Religious Liberty Association

1. We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.
2. We believe that the ten commandments are the law of God, and that they comprehend man's whole duty to God and man.
3. We believe that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.
4. We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.
5. We believe it is the right, and should be the privilege, of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.
6. We believe that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.
7. We believe, therefore, that it is not within the province of civil government to legislate on religious questions.
8. We believe it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.
9. We believe in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.
10. We also believe in temperance, and regard the liquor traffic as a curse to society.

For further information regarding the principles of this association, address the Religious Liberty Association, Takoma Park, Washington, D.C. (secretary, C. S. Longacre; associate, H. H. Votaw), or any of the affiliated organizations below:

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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

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LIBERTY IS THE SUCCESSOR OF THE AMERICAN SENTINEL, WHOSE FIRST NUMBER WAS PUBLISHED IN 1886, AT OAKLAND, CALIFORNIA. ITS NAME WAS CHANGED IN 1904 TO LIBERTY, UNDER WHICH NAME IT HAS BEEN PUBLISHED QUARTERLY BY THE REVIEW AND HERALD PUBLISHING ASSOCIATION, TAKOMA PARK, WASHINGTON, D.C. ENTERED AS SECOND-CLASS MATTER MAY 1, 1904, AT THE POST OFFICE AT WASHINGTON, D.C., UNDER THE ACT OF CONGRESS OF MARCH 3, 1879. SUBSCRIPTION RATES.—ONE YEAR, 50 CENTS; CLUB OF THREE SUBSCRIPTIONS TO SEPARATE ADDRESSES, \$1; FIVE OR MORE COPIES MAILED BY PUBLISHERS TO FIVE ADDRESSES, OR TO ONE ADDRESS, POSTPAID, EACH, 9 CENTS. NO SUBSCRIPTIONS FOR LESS THAN ONE YEAR RECEIVED. REMIT BY POST-OFFICE MONEY ORDER (PAYABLE AT WASHINGTON, D.C., POST OFFICE), EXPRESS ORDER, OR DRAFT ON NEW YORK. CASH SHOULD BE SENT IN REGISTERED LETTER. WHEN A CHANGE OF ADDRESS IS DESIRED, BOTH OLD AND NEW ADDRESS MUST BE GIVEN.

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FOURTH QUARTER, 1939



KEYSTONE VIEW CO.

The State Is Ordained to Protect the Home, Which Is the Most Important Unit of Society. A Nation Prospers Only as Its Homes Are Enabled to Develop and Grow in an Atmosphere of Freedom and Peace. It Is Well for Religious Instruction to Begin in the Home. No State Has the Right to Say What That Instruction Shall Be





Christ Talking to the Pharisees Regarding Duty to Government

Render Unto Caesar

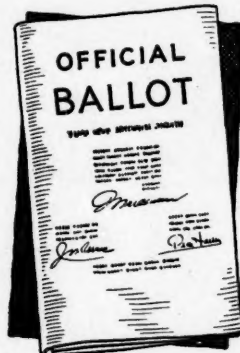
by the
HONORABLE EDWIN CARL JOHNSON

U. S. Senator From Colorado

RENDER THEREFORE UNTO CAESAR the things which are Caesar's; and unto God the things that are God's." That profound doctrine espoused by the Master very decidedly demands a complete division of church and state and a separation of formal things religious from formal things civil. Had men given heed to that divine admonition, indescribable agony could have been spared the thousands upon thousands of persecuted martyrs who have died at the stake and in the torture chambers.

During every period of church and state union, civil government sinks to the disgraceful "lows" of history; for, strange as it may seem, whenever religious and civil government have been joined in unholy wedlock, both have been hopelessly corrupted. Indeed, the Perfect One well understood the fundamental necessity for religious and civil separation. I am not implying now, in any sense whatever, that a devout religionist does not make a good citizen, nor am I inferring that the ideals of religion should not also be the ideals of government, because long study has convinced me that no democracy can last long or serve well if it be not supported

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Good Citizenship Implies
Proper Use of the Ballot

by citizens well grounded in the ideals of the brotherhood of man and the Fatherhood of God. The thing that history has proved a failure is the administrative union of religion and civil government. Whenever government has attempted to prescribe forms of religious worship, thinking, and teaching, and has compelled men to accept them as an obligation of citizenship, the result has been disastrous.

There is a further fundamental lesson of great importance to persons living in democracies to be found in that high command. Christ in effect said that man has an obligation to his God and another obligation to his state, and that both should be "rendered." He did not say, "Disobey Caesar," or, "Ignore Caesar." He said, "Render unto Caesar" the obligation owed to civil government. In a democracy, citizens bear a heavy obligation "to Caesar," for that obligation not only implies the payment of taxes and strict obedience to civil law, but it imposes as well the intelligent exercise of the ballot, and perhaps occupancy of public office. I have some very good friends, honest, sincere, and deeply religious, who believe that politics

is the work of the devil, and who consider voting to be therefore wicked. The scoundrels in our country—and we have scoundrels—would like nothing better than to have good citizens neglect to obey the command to “render unto Caesar” that which is his.

Laws, constitutions, and governments are created for the protection of minorities, and there can be no individual liberty without such protection. In other words, civil government is absolutely necessary, and when properly administered, is helpful, and does not interfere in the slightest degree with God's plan. American citizens can have and do have the quality of government which they want. Under our system, our government can neither rise very far above, nor fall below, the standards set by its citizens. Under authoritative systems of government, the governed have few responsibilities other than paying taxes and giving complete obedience to civil edicts. But in a democracy, a good citizen must not only do these things, but he must also perform as well the duty of legislating and voting. “Thou shalt” is just as important in a democracy as “thou shalt not.” One's duties are both positive and negative.

Civil Liberty Upholds Religious Liberty

I need not point out to the readers of *LIBERTY* that free, unbridled religious worship is experienced in the world today only in democracies. The current news abounds in numerous shocking, soul-destroying denials of free religious thinking and worship under fascism, nazi-ism, and communism. The point I wish to urge most emphatically is that men devoted to religious liberty should be anxious to perform every duty of citizenship required in a democracy to perpetuate that democracy, since the exercise of religious liberty in the world depends so largely upon that form of government. Persons desiring economic and religious liberty would do well to invest a little time and interest in democratic government.

No religious service of any kind or description should be held anywhere in this land of civil liberty without the assembled congregation's praising and thanking God for a form of government which encourages free, unhampered religious worship. And our prayers, to be sincere, consistent, and effective, should be followed by an active, constructive assumption of every responsibility that citizenship in a democracy implies. Jefferson, the dauntless, determined champion of political and religious liberty, knew that if men had political liberty, they could have both religious and economic liberty if they really wanted them.

Scientists recognize that man is a dual spiritual and material being, who cannot live by bread alone; nevertheless he must have bread. Too often, however, he has traded political and religious liberty for



On One Occasion the Pharisees Came to Christ and Propounded the Question, “Is It Lawful to Give Tribute to Caesar?” Thinking That He Might Utter Some Word Against the Emperor Whereby He Could Be Condemned. In Reply Christ Called for a Penny and Asked, “Whose Is This Image and Superscription?” The Pharisees Said, “Caesar’s.” Christ Then Declared, “Render Unto Caesar the Things Which Are Caesar’s, and Unto God the Things That Are God’s”

it. Austria is a very recent example of such bad bargaining. But when desperate disasters and depressions hit America, we get into the same unfortunate mood. In 1932 we were so frightened by economic conditions that many of our people openly demanded a change—any kind of change, just so it was a change.

Dangers Facing Our Democracy

The most disturbing thing in America is the widespread belief that our American democracy has complete assurance of life everlasting. History, to the contrary, reminds us that the mortality of democracies is very high, and that, for the most part, they have not lasted long. The government of the United States is one of the oldest governments on the face of the earth today, and it should continue to serve for a long time; yet grave social and economic disturbances are at hand. Present-day international political developments are by no means reassuring. It will require straight thinking, courageous acting, and a judicious separation of the wheat from the tares to keep our ship of state on an even keel. It can be done. But the important question is, Will it be done?

I am satisfied that participation in a world war, for instance, would mark the end of free government here. Failure to solve the economic problem of unemployment without bankrupting the Federal treasury will be equally disastrous. Lawlessness, crime, and antigodliness threaten government. A union of church and state would ruin our democracy. Militarism and rearmament, if carried to the extremes advocated by present-day leaders, will prove a heavy stone about the neck of this government.

"Moral education," "moral rearmament," and unmistakable evidence of a spiritual awakening in America, however, are extremely encouraging.

Since the Constitution and the Bill of Rights guarantee to all, regardless of race, color, or creed, equal rights under the law, we are wont to dismiss the whole question of religious liberty as an established privilege never to be lost. I regret that that is not the case. No political condition is forever established; constant change is its hectic history, as I have already suggested. This precious heritage of religious liberty which we accept as an ordinary matter-of-fact human relationship much as we accept the air we breathe, with little thought or conception of the long, bloody struggle of sacrifice by which it was attained, will last only so long as we have the will and good sense to make it last.

Our great responsibility after placing our government upon a sound and permanent basis is to see that religious liberty is maintained as an American ideal of such compelling importance that it will never be departed from in the slightest degree. The fight of separatism was not an easy fight. Intolerance and religious despotism seem to find companionship in the hearts of religious zealots and ambitious, power-seeking politicians. We are shocked by the dark clouds of bigotry hovering over Europe, but smugly complacent of the cloudlets of religious prejudice gathering in our own blue skies of religious liberty.

The Need of Tolerance

Human nature is the same the world over. Religious emotions are strong emotions that stir men to their depths. A man's religion is a most absorbing thing to him, and when he is convinced that he is on the one right path, he naturally wants everyone to share the beautiful vision that is his. That burning desire, if it go beyond teaching and preaching, is only a step removed from the mad passion of a zealot who would compel men to worship his way. It is God's plan to give everyone an open choice, to be openly arrived at, and if that voluntary procedure suits God's purpose of bringing souls to His throne, who is mere man to interfere?

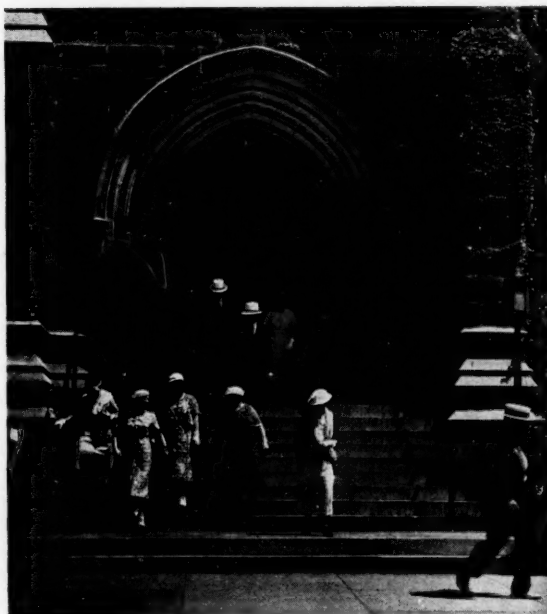
Racial and religious antagonism is gaining in the United States, and that indicates that there is important work for wide-awake, patriotic American citizens to perform right now. The ugly antisocial face of religious intolerance is appearing on the screen of human events, and the moral leprosy of racial hatred is again on the march upon the free soil of America. Your church and my church may not be under fire today, but so long as any religion or any church is under fire, no religion, no church, is safe. We must demand liberty for every man's religion before we have any right to expect freedom for

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our own religion, for no one's religion is secure so long as anyone's religion is in danger at the hands of the civil power.

Nearly eight hundred organizations are said to have been perfected recently in America to oppose certain religions. Dozens of legislative proposals have been brought forth in State legislatures and in Congress to compel, by law, man's conformity to selected religious forms. These errors made with the finest of intentions must be defeated by an aroused citizenry. They can best be contested through the educational processes. They all spring from a failure to grasp the fundamental truth that true religion is experienced in the soul of the individual, and in no other place.

A man's religion is an intimate thing between him and his God, and is as much a part of him as is his conscience or his individual character. How unreasonable it is to think that civil government could or should attempt to deal with so personal an institution. Legislation having any religious implication whatsoever is a tendency, however slight, to unite church and state, and should be avoided as completely as one would shun the black plague. Why should man, however wise, try to usurp the control of the religious worship of his fellows when God has decreed that man's relationship with Him shall be free and unrestrained? Christ gave all men willing to listen to the truth that privilege as a privilege, but He never compelled anyone to listen. He did not preach



H. M. LAMBERT. PHOTO

Man's Duty to Honor and Worship God Is Just as Compelling as His Duty to Honor Governments

brotherhood with the sword. He taught peace by forbearance. By its very nature true religion must be taught in like manner; otherwise the cardinal virtue of faith upon which religion is built would be obliterated.

Citizens Make the Government

Our government cannot be purer or better than its own citizens, for good government begins not in Washington, but in our own hearts. It therefore becomes the solemn duty of all of us to arouse uncon-

cerned Americans against the dangers of dictatorships and against subservient courts and subservient congresses. Our courts must be kept free from domination by any religious group, and our Congress must remain representative of all our citizens, in fact as well as in name, if we would perpetuate the blessings of liberty in all things in this glorious land. Insidious encroachments, and all other encroachments upon our political and religious liberties, must be crushed like the head of a viper. Eternal vigilance is the price of religious liberty.

Guarding Religious Freedom

by the

HONORABLE JENNINGS RANDOLPH

Member of Congress From West Virginia

WHEN THE STORY of American culture is finally written, foremost among the basic factors influencing the development of American life and customs will be that unique contribution of the American people to the civilization of mankind—the principle of religious freedom. Nowhere else in the Christian world prior to the adoption of the American Constitution, except for the Edict of Milan, in 313 A.D.—really an edict of toleration and not of liberty—during the reign of the Roman emperor Constantine,* had the principle of religious freedom been accepted by any nation. America stands alone as the world's most famous example of a nation the government of which, from the start, has been predicated upon the separation of church and state.

Curiously enough, the Encyclopedia Americana devotes several columns to the subject of "Religious Liberty," while the Encyclopedia Britannica omits this topic. In many parts of the world today, the value of religious freedom has not been fully recognized, and in some parts it is not even a matter of polite conversation.

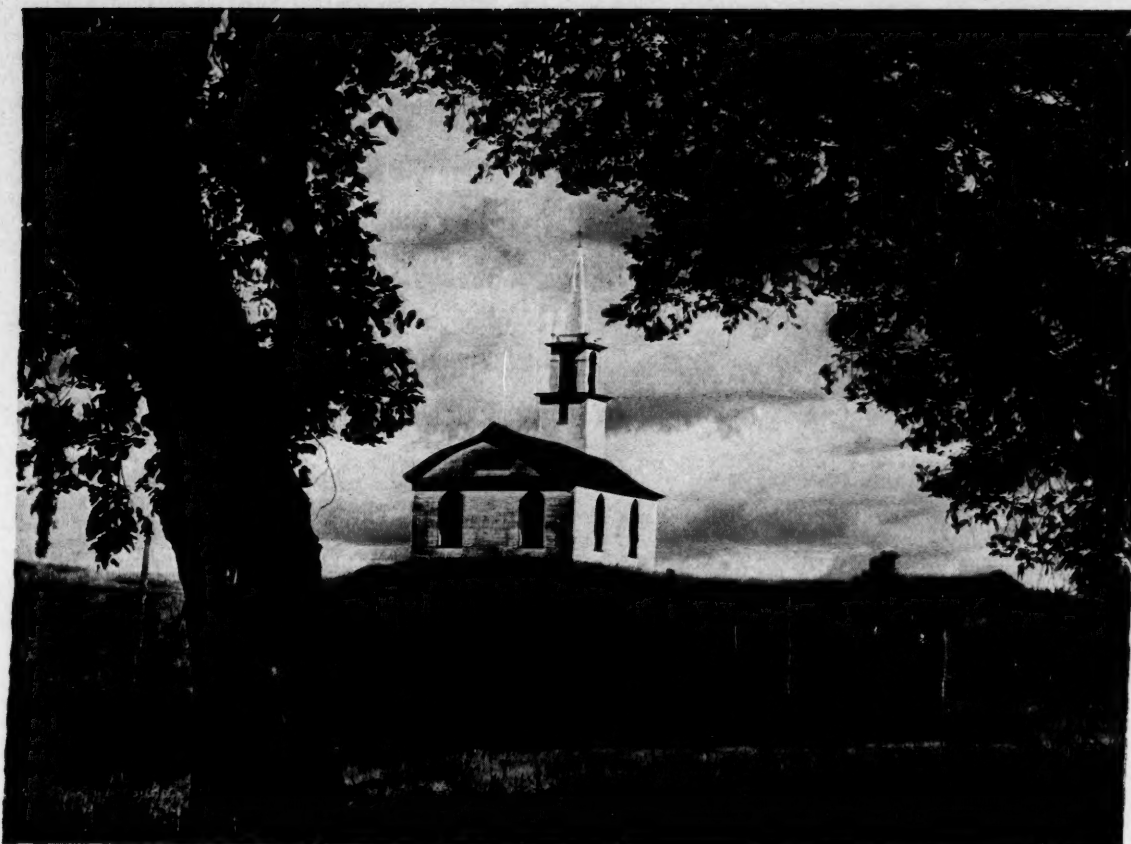
* Constantine had no conception of the modern meaning of the separation of church and state. As a ruler he granted toleration to both pagans and Christians by the Edict of Milan. But as emperor, and hence really the state, he mixed in religious affairs continually. The Edict of Milan further did not grant the same rights to the members of the Jewish community that were enjoyed by pagans and Christians. Three short quotations from the Catholic Encyclopedia, Volume 4, page 299, set forth conditions of the Edict of Milan very clearly.

"As pontifex maximus he watched over the heathen worship." "Without realizing the full import of his actions, Constantine granted the church one privilege after another," and among other things, "placed Sunday under the protection of the state. . . . It should not be forgotten that the Jewish communities had also their own jurisdiction, exemptions, and immunities, even if in a more limited degree." [Italics ours]—Ed.

The American Principle of Liberty

The American doctrine of separation of church and state did not come about suddenly, nor was it an accepted principle in early colonial days. Circumstances peculiar to the American scene at the time of the founding of the United States account largely for its incorporation in the Constitution. The profound remark of Bancroft, in his "History of the United States," illustrates this point. "American law," he said, "was the growth of necessity, not the wisdom of individuals. It was not an acquisition from abroad; it was begotten from the American mind, of which it was a natural and inevitable, but also a slow and gradual, development." In fact, the colonies started with the Old World principle that the church and the state were inseparable. Most of the colonial governments, however, were tolerant of religious groups other than the one associated with the government. This tolerance represented a departure from Old World ideas largely in the degree of its toleration. In many cases, restrictions attended the toleration extended by the colonies, and often consisted of the denial of specific civil rights, such as the right to vote or otherwise to participate in the affairs of government, unless one belonged to the politically accepted church.

This toleration as practiced in the American colonies, which was far more liberal than most of the Old World views and practices with respect to the relationship of church and state, laid the foundation



H. A. ROBERTS

The Right to Worship God According to the Dictates of One's Conscience Should Never Be Curtailed

for the fully developed religious freedom that was ultimately to become one of the greatest principles of American life. One of the last colonial States to be formed was the first to proclaim the principle of religious freedom, the equal treatment of all faiths and creeds with respect to the government of the State. Rhode Island thus became the cradle of American religious freedom.

Idealism "begotten from the American mind" undoubtedly played a large part in the final acceptance of the principle of religious freedom by the Constitutional Convention; yet a very practical consideration is probably overlooked or undervalued for the important part it played in permanently establishing the principle of religious freedom in the American system. That practical consideration was the fact that among the many religious groups then flourishing in the New World, no one of them could reasonably hope to gain enough strength to force a church-state union in its own favor to the exclusion of the others. Under such circumstances, more certain was the gain if all creeds and beliefs agreed to a permanent separation of church and state wherein not only

all men, but also all religious groups, would be equal before the law of the land. Had there been one established church and only one or two dissenting groups, as was characteristic of the situation in the Old World in many instances, it is doubtful whether the principle of religious freedom could have been established in this country, even with the support of the high idealism that motivated the founding fathers.*

It is just another case of American law resulting from necessity, for, if the state was kept separate from any church domination, such a separation was the best possible ensurance for the unmolested existence and growth of each and every creed and belief which had gained a foothold on the shores of the American continent. It is reasonable to suppose that so long as the practical considerations upon which American religious freedom is founded remain relatively unchanged, there is little danger of the loss of this freedom.

Religious Freedom Challenged

Forces are at work today, however, which tend to change the conditions and to alter the practical con-

siderations to such an extent that the ideal of religious liberty is in danger of being undermined. One of these forces may be found in the dictatorial form of government now popular in some parts of the world.

Dr. John Alexander MacKay, president of Princeton Theological Seminary, has explained in the *New York Times* how the principles of dictatorial government affect religious freedom. He says: "The totalitarian state, whether in its communist or its fascist form, embodies three revolutionary principles. First, it equates a single group in a national society with the whole of that society. This principle has launched Russia upon an era of class conflict, and Germany upon an era of race conflict. Second, it equates society with the state. This principle has destroyed the structure of democracy, or at least the democratic trend, in some important countries, by abolishing free institutions and organized minorities. Third, it equates the state with God. The state is divinized and makes demands upon human personality which only God has a right to make."

Contrast the basic American principles of government with these totalitarian concepts. First, all men are created equal before the law. The American state recognizes no individual or group of individuals as superior to any other individual or group. This has

a dampening effect on class hatreds, religious jealousies, and race conflicts.

Second, government of the people, by the people, and for the people, as carried out in a representative form, and by the rule of the majority, encourages the growth and development of free institutions and permits organized minorities to exist under the same conditions as organized majorities.

Third, the complete separation of church and state makes it possible for every man to follow Christ's teaching, "Render to Caesar the things that are Caesar's, and to God the things that are God's." There is no confusion of allegiance, no tyrannical concentration of control over men who were born to be free. The American state derives its authority from the people. It makes no claim to divinity through a religious association. Consequently, there is no attempt on the part of one to achieve its ends through the power or influence of the other.

What We Should Guard Against

These contrasting principles make clear the points at which we must constantly be on guard to protect our heritage of religious freedom. First, we must guard against the domination of any one political party by a single religious group. In the event that such a combination develops, and the political party in question ultimately gets into power, the danger to the freedom of religious worship will become acute. Much will then be said about tolerance. But tolerance is not a substitute for true religious freedom that will be long accepted by the American people. The combination of one religious group with the state through a political party will threaten the equality of other religious groups before the law. No effort should be spared to avoid such an unhappy situation.

Second, we must guard against the promulgation of the totalitarian principles of the union of church and state. These principles hold more than one danger to religious freedom. Either by divinizing the state itself, or by utilizing the organization of one religious group to strengthen the power of the state, the adoption of these principles will jeopardize the right to worship according to the dictates of conscience, through the imposition of penalties and restrictions of mere tolerance, or by the brutal cruelty of intolerance.

Practical considerations of modern times may dictate many changes in our social structure. To be able to make these needed changes as occasion demands, is essential to the health of the nation. But every American must be on guard to see that these changes do not violate the very principles which make such changes possible. One of the most important of these principles is the cherished American heritage of freedom of religious worship.

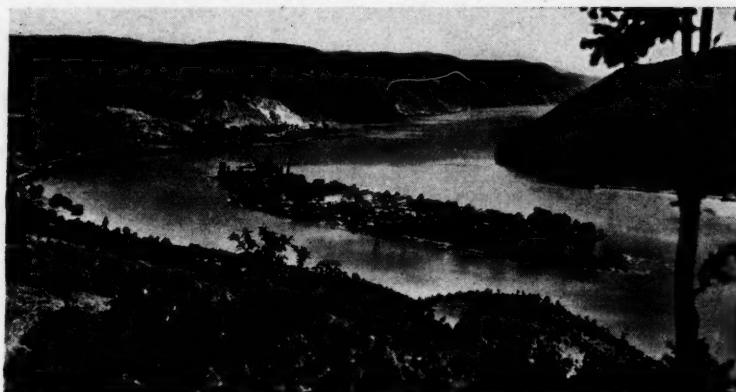


H. M. LAMBERT, PHOTO

The Pioneers, Who Sacrificed Much to Found This Nation,
Were Devout Men and Women

A New Torch of Liberty in Rumania

by **VASILE FLORESCU**
of Rumania



As the Flowing Danube Wends Its Way Through Rumania

IN A TIME when the entire world is passing through upheavals and changes, it is invigorating and encouraging to hear voices raised in favor of the maintenance of freedom of conscience. Rumania is establishing for herself a noble record in the estimation of liberty-loving nations by following the old traditions of her former history when she offered an asylum to the oppressed of Europe. The Rumanian government has raised up in eastern Europe a torch of freedom by giving to all the citizens the natural and God-given rights of freedom of worship and religious and educational activities.

Rumania is a fertile and rich land, endowed with natural beauties, blessed with men of vigor who have the desire to labor. As a natural consequence the country has produced good, earnest men whose only wish is the betterment of the citizens and the improvement of their nation, so that it may stand among the favored nations of the world. It seems that a renewed current for advancement and for the promotion of goodness and happiness has taken possession of the country. As a result, the nation is becoming stronger and more efficient, and the people of Rumania are rejoicing in this freedom. Back of all that is taking place in Rumania, one can see a divine Providence guiding the affairs of state, that through this rich and great freedom it may become a greater and more prosperous nation.

FOURTH QUARTER

Government Promotion of Liberty

It is King Carol II whose ardor and love for liberty are constantly guiding the ship of state through troublous waters. His watchful eye is ever alert to see that no wrong or injury comes to his people, but that liberty, justice, happiness, and peace shall be enjoyed by all his subjects without any discrimination. His royal words of counsel and good will bring new life and hope in all fields of activity. Wherever there is a true motive for good action and the uplift of humanity and country, the king is found giving his support and encouragement. The royal example of the exercise of charity toward all his people has awakened new hopes and desires in them to assist the king in the building of a better and greater Rumania.

The Rumanian prime minister, Armand Calinescu, a great man endowed with a spirit of wise leadership in all departments of the government, in friendly relations with his untiring ministers in the cabinet, has worked out for the Rumanian government many laws which recognize the fundamental liberties and rights of all citizens, independent of their nationality or religion.

In accord with those laws, every minority in Rumania can have its own churches and schools, and each may preach and teach mainly in its own lan-



King Carol II of Rumania.

guage. Some religious-minority groups admitted by the state have received their freedom to preach the gospel. Thus all the Adventist and Baptist churches are now open.

It is a wonderful thing to see the spirit of freedom and democracy developing in Rumania. The leaders of the different minority groups are permitted to be members of the great council of the government, and are given the liberty to express their views about great problems of the state. The recent decisions reached by the council granting great freedom have been welcomed by the citizens, as they realize that equal liberty and justice granted to all citizens means the attainment of a greater unity for the nation.

Rumanian Constitution

The Rumanian government has a remarkable constitution which grants equal liberty and protection to all religions. It provides for liberty of conscience to the individual, also liberty of labor, of learning, and of the press. Article 10 of the Rumanian constitution expressly states:

"The Rumanians enjoy liberty of conscience, liberty of labor, liberty of learning, liberty of the press. . . ."

Article 19.—"The liberty of conscience is complete.

"The state is guaranteeing to all religions, equal liberty and protection, so long as their practices do not prejudice the social order, good manners, and the surety of the state."



Rumanian Prime Minister Armand Calinescu

In harmony with the above constitutional provision, the minister of education addressed a recent communication to all state school authorities and teachers, calling attention to the well-formulated constitutional proviso granting "liberty of learning," and urging them not to require the children to do anything that is not in conformity with the religious views of the parents or children, thus allowing the children to follow their own faith.

This decree of the minister of education in Rumania brings great relief and satisfaction at a time when, in other parts of the world, news comes that the liberties of conscientious people are placed under restraint. What is especially refreshing is the fact that this order from the minister of education is in behalf of helpless children who cannot ask for themselves their rights of conscience as wards of the state,

and the Rumanian state graciously extends to them the protection of the constitutional guaranty of liberty of conscience and religion.

The state evidently sees that children growing up in the enjoyment of those liberties will become sincere and loyal citizens. The Rumanian courts are recognizing these same principles of the equality of religion and conscience, and the free exercise of the same before the bar of justice.

Liberty is a golden clasp which binds all the citizens of a nation together in unity and cooperation, and makes them loyal supporters in the time of a national crisis. If a government fails to grant all its citizens this precious boon of liberty, which it is their equitable right to enjoy, dissatisfaction is encouraged, and the strength of the state is weakened. No nation can prosper, nor long endure, which denies equal liberty and justice to all its citizens.

A Free Church in a Free State

by the RT. REV. LEWIS BLISS WHITEMORE

THE RELATIONSHIP of a free church to a democratic state is one which should be rethought and restated in every generation. The principle that the two great institutions of church and state should be entirely separate is clear and simple. The reasons why this has been a wise policy on the part of our body politic are not so simple, and require an understanding of the function and principles of the church and also those of a state which is governed by free institutions.

Complexity of the Religious Situation

The very complexity of the religious situation in America makes any formal alliance between church and state a problem of extreme difficulty. In one sense we have "the church"—that is, the great body of the followers of Christ who acknowledge His supremacy over every aspect of life, both personal and corporate. But we also have a bewildering array of churches. While a fundamental unity may be discovered, there is still the greatest diversity. If the state were to contemplate any sort of formal connection with the church, it would immediately be faced with a difficult problem of selection. No one church stands out in such a manner that it could in any way become "the established" church as is the case in England. Even were this possible, it is only the English faculty for making impossible things work which enables that country to carry on. Here it would be impossible even to make a beginning.

With over two hundred different sects, the govern-

ment would have to attempt to come into closer relationship by singling out some single aspect of church life common to all of the churches and deal with that. The recent attempt (which was wisely abandoned) to bring clergy and lay workers under the provisions of the Social Security legislation is a case in point.



LOWND AND EWING

A Free Church in a Free State Is the Greatest Source of Moral Strength for Any Nation

FOURTH QUARTER



The Wall Between Church and State Can Never Be Broken Down Without Great Damage to Both Church and State

Regulations of Church Finances

While this would be a connection at only one point (that of old-age assistance), it would be a very important point. It would immediately bring the government into close contact with the whole financial system of the various religious bodies, and in the long run it would mean a certain governmental regulation of the churches' financial system. This, in turn, would almost inevitably tend to give the government a point of view about various religious bodies.

Now, there are church groups and church groups. They are diverse not only in the way in which they raise money, but in their whole approach to the individual citizen. Some have large endowments, some have regular pledge systems, others rely on freewill offerings. Some have well-paid ministers; others repudiate a "hireling" ministry. Some are sacramental; some are emotional. Some are conservative about economic questions; others are radical. Some have very strong views on political questions; some are completely "otherworldly." Some are in sympathy with the use of force; others are pacifist. Some, frankly, are rather bizarre groups, which, to the view of others at least, have gone off on some tangent and thrive on a single virtue.

Touch all these groups at a single point, and you touch them on all. Let the government begin to

wrestle with the finances of all these churches, and it will inevitably begin to form its opinion about other aspects of church organization, method, procedure, point of view, and so on. The government officials and the party in power will begin to look upon some groups with favor and upon others with disfavor. Almost inevitably there will come some attempt at standardization. At least, there will tend to develop a much more self-conscious government opinion about these various groups, which would be the genesis and inspiration to reach out for a further measure of control.

Yet the most bizarre and weird group of all may possibly have something to contribute to the normal and spiritual consciousness of a free people, which should not be smothered under a bushel. As little as this writer understands and sympathizes with some of them, he would yet claim for them the utmost freedom of expression, provided that the members of any group are performing their duties as citizens.

For the state to regulate any affairs of the church it must standardize. To standardize is to attempt to control. To control a group dedicated to obedience to the most high God, however strange its manifestations, is to kill it in its most vital function.

The state, then, should avoid this temptation to step in—no matter how innocent or beneficent its intentions. It is, at the very least, entering into a region in which it is not at home. It is, at the very least, asking for a lot of unnecessary trouble and vexation.

The Sovereignty of Christ

However, underlying all of these objections is a more profound one. The philosophy back of even this apparently innocent suggestion of the Social Security Board is fundamentally unsound because it presupposes that in the last analysis the state is superior to the church, the flag is higher than the cross. It stands to reason that if the state attempts in any way to regulate the church in either its economic or its spiritual life, the state considers itself to be the fundamental and dominant institution. This is not only a reversal of principles always accepted; it is a reversal of history. When in the Middle Ages the church and state were one, the church was supreme and the state was subordinate. The kings and emperors were crowned by the pope. Even in England tribute is paid to this principle when the Archbishop of Canterbury places the crown upon the head of the king.

To adopt the principle of state supremacy in one direction is by implication to adopt it in all. Only one break in the dike is needed for the whole ocean to pour through. When the church admits that even in one point the state is first, then her testimony to Christ as King of kings and Lord of lords is invali-

dated in all directions. The church becomes one of the departments of the state.

This is far from being a fanciful objection. Wrapped up in the church's doctrine of the sovereignty of Christ lies the hope of human brotherhood and the only prospect of a world united in a spiritual unity. When the church, under pressure, becomes the agent of a government which may be fiercely national, Christ becomes no more than a tribal god, and the vision of the ages is shattered.

A Common Understanding

This separation of church and state is not a relationship which can be reduced to writing. It is not to be embodied in any concordat. It is a sort of gentleman's agreement which exists in the minds of the leaders and the great body of citizenry, who, for the most part, are members of both great institutions.

The inner purposes of the church are an open book to read. It harbors no sinister designs. It upholds the virtues of peace, persuasion, toleration, goodness, charity. It produces that character in its people which alone makes a state with free institutions possible.

The state should thus look upon the church as its very soul. It should feel that it represents the channel through which God may communicate with and uphold His people. It should cherish the freedom of the church as it cherishes its own inner integrity—convinced that in the church it has its own greatest bulwark.

For that reason, the state should be jealous for the institution which is the guardian of its own conscience, and fight fiercely to maintain the church in that position of freedom which will guarantee its greatest usefulness.

History of Sunday Laws

by **MELVIN M. BELLI**

Attorney at Law

THE HISTORY of Sunday legislation in the United States shows a mass of contrary, inconsistent, and illogical cases and distinctions. The following instances help to prove this:

In *State of Nebraska vs. Tim O'Rourke*, 35 Nebr. 614, 1892, an indictment for playing baseball on Sunday, the court said: "No trial can be had on Sunday. The only trials which a lawyer can then lawfully be subjected to are those which he undergoes in listening to the clergy who make him a frequent object of reproach. The only permissible court on that day is such as lovers, according to immemorial custom, pay to the object of their adoration."

Fined for Upholding Sunday Law

In Massachusetts, in 1816, it cost Officer John Atwood just \$500 for upholding the Sunday law which made illegal either riding or traveling done on the Lord's day.

One Jonathan Dwight was shocked to see George Pearce riding on Sunday "against the peace and



Going to Church in Colonial Times

dignity of the commonwealth of Massachusetts." He rushed to the nearest magistrate and a warrant was issued on his complaint. The warrant was given to Officer Atwood to serve on Pearce, and the officer, seeing his duty, took the law-breaking criminal into custody that same Sunday. In fact, he locked him in the local jail from Sunday noon until Monday morning.

But Monday morning Pearce became plaintiff, not defendant, and sued the officer for false arrest. First,

he explained to the court that the local magistrate had jurisdiction to order the arrest of only those of his own county who rode on Sunday. He was from another county.

Next he showed the court another statute which prevented any work or business on Sunday except "works of charity or necessity." Since the arrest was certainly not a work of charity, and since Pearce was well known and would have been available for arrest the following day, his incarceration was not a work of necessity.

Damages to the amount of \$500 were awarded against the perplexed officer. (13 Mass. 324.)

Church Loses a Donation

The Methodist Episcopal Church of Sweetster Station, Indiana, had favored Sunday legislation until the Supreme Court of Indiana in 1878 was called upon to interpret a Sunday law, with that church as plaintiff.

Defendant Catlett, after listening to a soul-stirring sermon by the church pastor, had emerged into the sunlight of a new day. There was the love of fellow man in his heart, and he determined to show his appreciation in a material way. He subscribed then and there to the church building fund.

But when the effect of the sermon had worn off, Catlett resumed the errors of his ways and refused to pay his subscription. When sued by the church for breach of contract, he called attention of the court to the Sunday law, so heartily subscribed to by the preacher, that upon the Sabbath one shall not work or conduct business of any sort.

In effect the Supreme Court of Indiana said the contract was illegal because it was made on Sunday; therefore, the church could not collect.

Forcing Men to Attend Church

George Washington, in his diary under date of November 8, 1789, refers to a journey through Connecticut, and tells of the effect of the State Sunday law upon him: "It being contrary to the law and disagreeable to the people of this State to travel on the Sabbath day, and my horses, after passing through

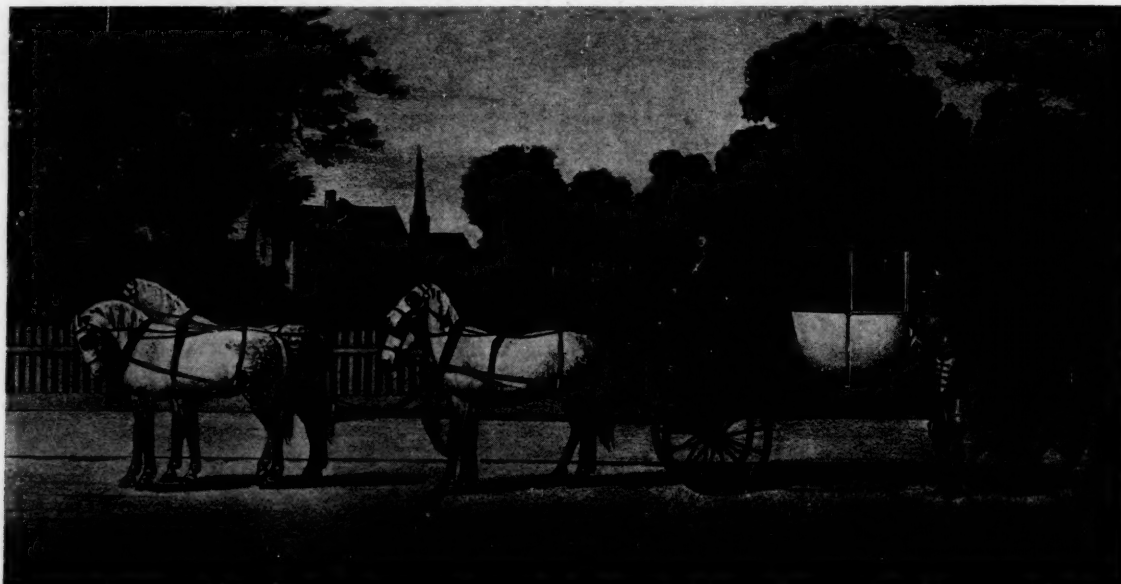
such intolerable roads, wanting rest, I stayed at Perkin's Tavern (which, by the way, is not a very good one) all day; and a meetinghouse being within a few rods of the door, I attended the morning and evening services and heard a very lame discourse from a Mr. Bond."

Some modern advocates of enforced Sunday rest claim that if places of worldly amusement are closed on Sunday, men will attend church services and thus be benefited. Washington's comment concerning the type of sermon he heard leaves the conclusion inevitable that forcing men to attend church cannot force them to be interested in what the preacher has to say. It is well known that most of the world's greatest preachers have not only not had the support of the civil authorities, but many of them have also had the active opposition of the civil powers.

In an early Florida case (10 Fla. 558), authority is cited for the proposition that Sunday extends but from dawn on Sunday to sunset the same day; therefore, jury deliberation held between midnight Saturday and sunrise Sunday is not illegal on Sunday, since it is still Saturday!

What Is a Sunday Law?

In California in 1858, a Sunday law was construed as an intent to enforce as a religious institution the observance of a day called sacred by the followers of one faith, and was therefore declared unconstitutional because it was a discrimination in favor of one religious profession. (*Ex parte Newman*, 9 Cal. 502.)



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Traveling on Sunday Was at One Time Forbidden in New England. On One Occasion George Washington Was Called to Account for Breaking the Law as He Was Journeying Through Connecticut. What Grave Difficulty Sunday Reformers Would Find in Trying to Inaugurate Such a Reform Today!

In a lengthy 1882 decision, the supreme court of California held the Sunday-closing law constitutional, saying, "By virtue of her sovereignty, the State has guaranteed freedom of religious opinion and worship to all religious bodies and people within her boundaries. But in granting those guaranties, she did not relinquish to religious bodies, nor divest herself of the power to establish a day of rest as a municipal institution for the people of the State. That power was reserved to be exercised over all the members of the body politic, without reference to whether they are Christians or Hebrews, followers of Confucius, of Gautama Buddha, of Mohammed, or of Joe Smith; or those who say in their hearts, 'There is no God.' Subject to that reservation, every citizen of the State is left free to his intellectual convictions and emotional fervors upon subjects of the *unknown* and *unknowable*. All are equal in the laws, in positions under the law, and in the administration of the government. No legal distinction or discrimination can be made between them. But, thus protected, all are subject to the municipal institutions established by the State. And in establishing a day of rest as one of those institutions, the State has the right to determine what day ought to be observed by the people. . . . The duty of observing the day is imposed on the people of the State as members of the body politic, without reference to the religious faith and worship of any." (*Ex parte Koser* 60 Cal. 177.)

Legislative Inconsistency

In *ex parte Jentsch*, California held a Sunday-closing law, exclusive to barbers, unconstitutional. The supreme court there substituted its judgment as to the real purpose of the law for that of the legislative, saying (page 474), "How comes it that the legislative eye was so keen to discern the need of the oppressed barber, and yet was blind to his toiling brethren in other vocations? Steam-car and streetcar operatives labor through long and weary Sunday hours; so do mill and factory hands. There is no Sunday period of rest and no protection for the overworked employees of our daily papers. Do these not need rest and protection? The very suggestion of these considerations shows the injustice and inequality of this law."

Why Sunday Laws Today?

In the case of *Justensen's Food Stores, Inc., vs. City of Tulare, et al.*,* the supreme court of California in its ruling, said:

"We do not perceive by what process of reasoning the conclusion is reached that restaurants, confectioneries, dispensers of beverages, and other excepted businesses dealing in food for human consumption,

* This case was reported in some detail in this magazine in its issue for the second quarter, 1939.—Ed.

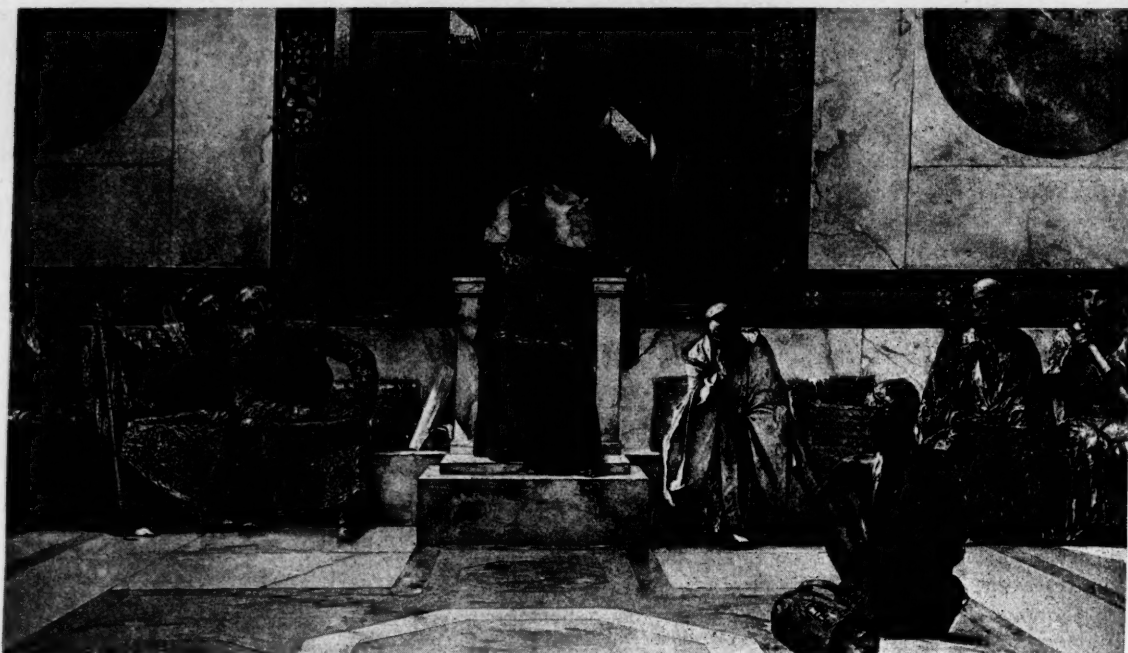


EWING GALLOWAY
Sunday Laws Are Religious Laws Which Bring Embarrassment to Any Judge Who Desires to Deal Justly, for They Are Unconstitutional

should be free from inspection on nights, Sundays, and holidays, while grocery stores, in the interest of health, require such inspection. Can it be said that food products are more dangerous to health when sold in a grocery store than when sold, for example, in a restaurant or confectionery store? From the standpoint of health, what distinction is there between selling food to customers on the premises and selling it to customers to be taken to their homes? Or, why should a bottle of milk left on a doorstep by a dairy delivery company be deemed more sanitary or less subject to contaminating influences than a similar bottle sold over the counter of a grocery store?"

The court did not pass upon the question of Sunday sacredness. The attempt to close the stores was made upon the basis of "the public health, convenience, and general welfare of the people of the city of Tulare." The provisions of the act were declared to be "based upon an arbitrary classification and constitute an unwarranted and unreasonable interference with the carrying on of a lawful business, and are therefore violative of the Federal and State constitutions."

While in colonial days, and in some of the cases tried in the early history of the nation, the question of religion did enter into the decisions by the courts, the tendency today seems to be strongly away from such a course. The advocates of Sunday laws now generally resort to a claim for their necessity from a health standpoint, and in recent times, Sunday laws have seldom, if ever, been upheld from a religious standpoint.



B. CONSTANT, ARTIST

The Conflict of the Early Christians With the Roman Rulers Was One Phase of the Age-Old Struggle for Religious Liberty

The Struggle for Religious Liberty in Past Ages

by C. S. LONGACRE

THE STRUGGLE for the precious boon of religious liberty and for deliverance from the hand of the oppressor, is a contest that has been waged ever since Cain persecuted his brother Abel and finally slew him, "because his own works were evil, and his brother's righteous." Thus it has always been. Paul says, "As then he that was born after the flesh persecuted him that was born after the Spirit, even so it is now." Human nature, unrestrained, acts always the same. The human heart in its unregenerate state "is deceitful above all things, and desperately wicked." The intolerant and cruel savage, but for the grace of God, is our own self in our natural state, but under much less favorable conditions.

When men shut God out of their knowledge in the beginning, "God gave them over to a reprobate mind," and "their foolish heart was darkened." He gave every man full liberty to follow his own way, to choose good or evil, because when He created man He intended that all human beings should forever remain

free moral agents. He endowed every normal human being with the prerogative of freedom of choice, and gave him a conscience as a moral guide. In creating man a free moral agent, God made him the arbiter of his own fate or fortune, both for time and for eternity. If man chooses good and accepts God's plan for his salvation, the fullness of the divine blessing will be his reward. If he chooses evil and rejects the offer of salvation, he seals his own fate and reaps what he has sown.

God is the author of liberty in the fullest and truest sense, and He wants all men to enjoy the blessings and fruitage of free men. When tyranny was holding men in universal thralldom, God revealed Himself as man's friend and benefactor, and commanded the rulers of the land to "proclaim liberty throughout all the land unto all the inhabitants thereof." But the world waited for centuries in chains of cruel bondage to earthly tyrants before it heard the voice of a legislative body of men declare and affirm that

all the inhabitants throughout all the land were the proud possessors of God-given, inalienable rights and equal privileges before the law, of which earthly sovereignties, by right, could not deprive them. It was a long, dreary, heartbreaking struggle through which men had to pass from that far-distant age of oppression and intolerance, when God first set mighty agencies at work to make all men free, to the present epoch of civil and religious freedom. To trace briefly the footsteps on that dark and weary road, is both a sad story and a difficult task, involving many intricate ramifications.

The Ancient Pagan Rulers Knew Not Liberty

The ancient pagan rulers who governed the world empires of Egypt, Assyria, Babylon, Medo-Persia, Greece, and Rome, regarded themselves as absolute and supreme in power and authority, and the individual had no rights or privileges which the kingly tyrant did not deem it his prerogative to invade at his pleasure. We search in vain in the classical literature of antiquity, even including that of the nations of Greece and Rome, for any trace of the idea of religious liberty and inalienable rights. Liberty of conscience and worship was unknown among the rulers and governments of the past, and many of the modern governments have progressed no farther than the grant of religious toleration to dissenting sects. The Babylonians and the Medes and Persians set up their gods, and demanded for them universal worship. The three worthies were thrown into the fiery furnace, and Daniel was cast into the den of lions, because the king of Babylon held that his decree could not be "changed," and the Medes and Persians held that a law, when once enacted, could never be altered. Blind obedience to all law was absolutely required. It made no difference whether the law was just or unjust, or whether it was in conflict with the law of the God of heaven. The state was supreme in all things, both temporal and spiritual, and the individual merely existed for the glorification of the state. The state was deified, and the law was made irrevocable. Whoever dared to set up his conscience in opposition to an intolerant religious law had either to submit or to die the ignominious death of a heretic in the eyes of the established religion or of a traitor to the government.

But in these instances, when the ancient civil authorities came into conflict with God's command-keeping people, the God of heaven vindicated the course His servants took in defense of the rights of conscience in religious matters, by a miraculous deliverance of the Hebrew children from the fiery furnace and of Daniel from the lions' den. This should have been a lesson for all rulers in days to

come, never to pass a religious law or attempt to force the conscience in religious concerns.

Law and Conscience in Conflict

Too frequently the cry is raised, "The law must be enforced to preserve our civilization!" It is by such sophistry as this, with no consideration of the nature of the law and the proper limitations which must ever exist in the exercise of power, that the most cruel and despotic acts of persecution have always been defended. Under such sophistry the Jews decided that they were justified in crucifying Christ. "We have a law, and by our law He ought to die," they said. Under such sophistry the bloody edicts of Nero and Caligula, of Domitian and Diocletian, were executed against the early Christians. Under such sophistry the professed Christian church of the days of medievalism enacted her tenets of faith and religious dogma into civil law, and then enforced the law upon all dissenters and nonconformists, until the rivers of Europe flowed crimson with the blood of martyrs. They did not call it persecution. They claimed they were merely enforcing the law and upholding the dignity and majesty of the state. Under similar sophistry crusades against dissenters were instituted, bloody massacres were perpetrated, martyrs were burned at the stake, tortured on the rack, beheaded by the sword, and executed upon the gibbet—all in the name of the law for the protection of the established religion and for the safety and welfare of society in general.

Roman Intolerance

Pagan Rome persecuted the early Christians because they refused to recognize the deities of Rome, and through the preaching of the gospel they destroyed the faith of the pagans in their own gods. They held that such a course, if permitted to continue, would ultimately destroy the genius of the Roman government, and endanger not only the public order, but also the religion of Rome itself. In all the persecutions which the early Christians suffered at the hands of pagan Rome for their refusal to pay homage to that religion of the imperial genius which the Roman government had created and authorized by law, the Roman government did not punish the Christians as being guilty of a religious offense, but as being guilty of a civil and political crime against the state.

Thus it has ever been. All the religious persecutions inflicted by pagans and Christians alike upon dissenters and nonconformists, have been executed in the name of the state as guilty of political crimes. when in reality they were violations, for conscience' sake, of religious laws which were enforced upon those judged at the instigation of religious establishments

for the protection and promotion of religion. During the first two centuries of the Christian Era, all the religious persecutions of pagan Rome, inaugurated by the pagan priests to stamp out Christianity, were adroitly manipulated in statutory formality under the police power of the state, so as to avoid the religious aspect. The same fiction still prevails in modern jurisprudence whenever the state, by civil law, gives legal sanction and support to religious obligations and inflicts punishments under the penal codes upon dissenters and nonconformists.

Pagan Rome, until it was supplanted by papal Rome, executed nearly five million Christian martyrs, denying them freedom of faith and liberty of conscience in religious concerns. All this bloody work was done by the pagans, who were inspired by considerations of public order, and who deemed it necessary to the public welfare.

Governments of Today

The totalitarian and authoritarian governments of today are patterned after the ancient empires which ruled by decrees instead of acts of parliament. The ruler is made absolute and rules in all things, both temporal and spiritual. Under the same pretext—for the good of the state—the dictator of today may regulate every activity of life, not only as it pertains to the state, but also as it concerns the church. Religion is restricted when it is found necessary to do so for the good of the state. The individual exists merely for the good of the state, and his obligations to God and religion are made subservient to the decrees of the absolute ruler. The right of sovereignty is denied the people. They are subjects who must submit to every decree of the state, even though

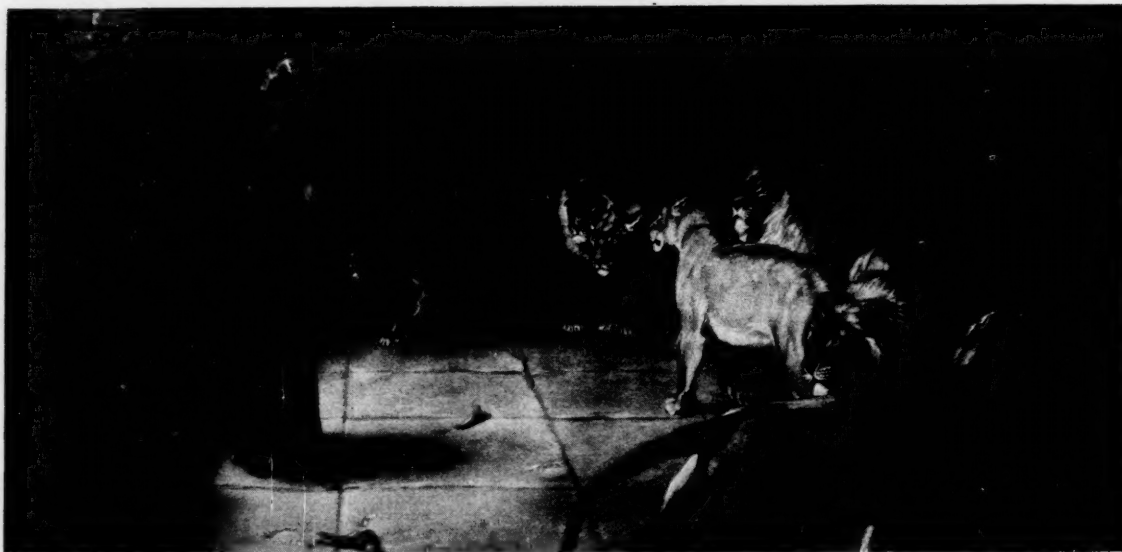
some of the decrees may conflict with their religious scruples.

The Conflict Has Begun

A mighty conflict is raging between two forces in the world today. The people themselves will ultimately decide the issue, whether the principles of democracies or the principles of totalitarian rulers shall prevail. Upon the outcome of this issue hangs the destiny of the world. Will the people turn the wheels of progress and civilization back to the old order of things, to the times when rulers held that "might makes right," and that the rule of force should prevail? Or will the people ultimately decide that the surrender of popular government under the sovereignty of the people to absolute rulers is too costly a sacrifice?

One thing is certain, the reactionary forces which are undermining the magnificent temple of liberty will never cease their efforts until they have brought the whole world prostrate at their feet. Unless an overruling Providence interposes in the affairs of men and nations, as He did in the days of Pharaoh in Egypt, of Nebuchadnezzar in Babylon, of Darius in Media, of Ahasuerus in Persia, and of Herod under Roman rule, there is little hope of saving the precious heritage of civil and religious liberty and the world from its doom.

But whichever way the coming crisis goes, we are confident that there is a wise Providence who presides over all things, and that ultimately truth and liberty and justice and righteousness will prevail. With the psalmist we can say: "Except the Lord build the house, they labor in vain that build it: except the Lord keep the city, the watchman waketh but in vain."



Daniel Was Willing to Suffer Martyrdom Rather Than Yield His Right to Worship God

BRITTON RIVIERE, ARTIST



SOBELMAN, N.Y.

These Students Need Religious Instruction. Is a State Institution the Proper Place in Which to Give It?

The Unconstitutionality of Religious Exercises in State Universities

by FOSTER NORTH

MANY YEARS AGO I was suspended indefinitely from the University of Illinois because I refused to attend religious exercises and join in worshiping at chapel and commencement exercises.

The university was founded and is supported by the State, and all its property, its purposes, and its management are under the exclusive control of the legislature, subject, however, to such limitations as are contained in the constitution. The legislature cannot authorize the board of trustees, or the faculty, to violate the constitution. Nor can the latter perform any acts as agents, employees, or officers of the State, which the legislature could not authorize. The university authorities have no powers not given them by the constitution and laws of the State.

Absenting From Chapel Exercises

I tried to impress this plain, simple truth upon the minds of the university authorities, but they refused to listen. When my case was pending before the faculty, a professor informed me that "the faculty has not considered and will not consider the question of its right to require attendance upon chapel exercises,

and it will not treat with you while you are delinquent."

I was never late to or absent from any legitimate university function that I was rightly expected to attend. At no time was I delinquent with respect to the rules of the university when I absented myself from chapel, or when I refused to give excuse for absence. The university authorities violated the constitution in making the rule. The rule was null and void. One cannot violate a rule that is null and void. It was the authorities themselves who were delinquent. They were delinquent in the eyes of the constitution. And they refused to listen to my arguments regarding this question.

There is not one man among the millions in the State of Illinois who thinks the general assembly could require a citizen to go to church. How, then, can the university authorities require a student to attend worship at commencement, or else go to the dean of his college to ask for excuse from such worship? How would you like to be required to ask the mayor of the town for excuse before you could absent yourself from worship at church?

The Right Not to Worship

The general assembly cannot grant powers which it does not itself possess, and the university authorities have no powers not given them by the legislature and constitution of the State. *The right not to worship is just as valuable as the right to worship.* It is the same right. To pray, one does not have to go to the mayor of the town for permission. Why, then, does a student have to go to the dean of his college for excuse from worship?

The Supreme Court of Illinois has held that Bible reading in public schools is sectarian instruction, and as such is prohibited by the constitution. Invocation at commencement is sectarian just as much as is Bible reading, and as such is prohibited by the constitution the same as is Bible reading. One is as sectarian as the other.

It is not a free enjoyment of the right not to worship if students must be excused from religious exercises by the dean of their college. Besides, no student ought to be compelled to stay away from any university exercise on account of worship or sectarian instruction.

An invocation at a university exercise is sectarian instruction. Sectarian instruction in this institution makes it a sectarian university within the meaning of the constitution. The constitution provides that no money or thing of value shall be appropriated by the general assembly to any sectarian university. It follows that this university, receiving its support as it does from the State, cannot make an invocation a part of any of its functions—including commencement exercises or baccalaureate addresses.

The constitution also provides that no one shall be required to support a place of worship against his consent. As there are many unbelievers who are taxpayers in the State, this provision likewise prohibits invocations at all university functions.

It is not a function of the State to enforce religious duties. The State cannot undertake to teach religion, furnish religious exercises, or buildings for worship, nor can it undertake to furnish worshippers.

Unconstitutional Ordinance Void

In the case of *Alma Lovell vs. The City of Griffin*, Georgia, U. S. Supreme Court, March 28, 1938, the city of Griffin had an ordinance prohibiting distribution of literature without written permission from the city manager. Alma Lovell was fined fifty dollars for distributing literature without a permit. The Supreme Court of the United States reversed the decision of the Georgia Supreme Court and held that a municipal ordinance prohibiting the distribution of literature is invalid on its face, as infringing the constitutional freedom of the press. The Court held



The Right to Distribute Literature Is Equal to the Right of Free Speech and a Free Press

that, "as the ordinance is void on its face, it was not necessary for appellant to seek a permit under it."

In an exact parallel, the regulation of the University of Illinois requiring students graduating to be present at commencement where religious services are held is invalid on its face as infringing the constitutional guaranties of freedom of worship. It is also invalid as infringing the constitutional provision that "no one shall be required to attend a place of worship against his consent." And to parallel the decision to its conclusion, as the regulation is void on its face, it is not necessary for the student to seek a permit in order to be absent from worship and still be able to graduate.

That is what I have been contending for the last fifty-four years, that worship in public schools of Illinois was unlawful, and that to require attendance upon or an excuse from them was unlawful.

Lord's Prayer Not Worship

I will admit that the Supreme Court of Kansas, *Billard vs. Board of Education*, 69 Kans. 53, 1904, holds that the recitation of the Lord's prayer in public schools is not worship, it is only a ceremony, but the court failed to explain why the Lord's prayer is worship in a church and not in a public school. This is just another false assumption to bolster up a desperate case. President Peabody would turn over in his grave if told that he was not praising God and worshipping when he repeated the Lord's prayer in chapel.

When a student has been voted his degree, he has a right to participate in the commencement exercises. He also has the right to be free from worship. Upon this right of freedom not to worship, the university has no legal power to infringe. A student has the right to attend any school exercise at a State university or a public school without having his legal right of freedom of worship invaded.

The power to excuse implies the power to refuse. Lord Stanhope in 1927, in the House of Lords, said, "Once toleration was craved by dissenters as a boon; now it is demanded as a right, but the time will come when it will be spurned as an insult."

I was suspended by the university in 1885. The Supreme Court decided against me in 1891. In 1909 the Supreme Court decided that the Bible could not be read in the public schools of Illinois. In violation of this decision the university continued to sponsor Bible reading in assemblies for twenty years,

and an invocation is still part of the commencement exercises.

The time has come to respect the Constitution and to stop forcing religion into the exercises of State universities. Religious instruction should be left to the home, the church, and the private school.

Interference of the Church in the Affairs of the State

by the HONORABLE MANUEL L. QUEZON

[A statement by Hon. Manuel L. Quezon, president of the Philippine Islands, which appeared in the *Manila Tribune*, June 25, 1938. We do not believe that buildings erected by tax funds gathered from all the people should be used for the benefit of religious groups. We believe that churches should provide through the free gifts of their members suitable places for giving religious instruction. To open the door even a little is dangerous. What is granted as a concession is frequently soon demanded as a right. There is much truth in what President Quezon has said, and we hope that no amount of pressure from ecclesiastical authorities will cause him to withdraw from the fine position he has taken in his support of the Philippine Constitution. The lessons of history are clear. Any union of church and state, however slight, brings trouble to both.—EDITORS.]

I AM AMAZED at the boldness of the Metropolitan Archbishop and Suffragan Bishops of the ecclesiastical province of Cebu in taking up at an episcopal conference a matter concerning the constitutional duties and prerogatives of the officials and branches of the government of the commonwealth.

No Interference to Be Permitted

I had so far ignored charges made to the effect that the hierarchy of the Catholic Church in the Philippines had instigated and was behind the movement for the enactment of the bill regarding religious instruction in the Philippines. But the pastoral letter signed by the Metropolitan Archbishop of Cebu and the Suffragan Bishops of that ecclesiastical province is an incontrovertible evidence that we did face at the last session of the legislature, and we do face now, one of the most menacing evils that can confront the government and people of the Philippines, namely, the interference of the church in the affairs of the state. It seems that the archbishop and bishops who have written this pastoral letter are blind to the lessons of

history including our own during the Spanish regime. Being myself a Catholic, I am no less interested in preserving the independence of the church from the state than I am in preserving the independence of the government from the church.

Bishops Cannot Represent Filipinos in Politics

It should be unnecessary to remind the ecclesiastical authorities in the Philippines that the separation of church and state in this country is a reality and not a mere theory, and that as far as our people are concerned, it is forever settled that this separation should be maintained as one of the cardinal tenets of our government. The ecclesiastical authorities should realize, therefore, that any attempts on their part to interfere with matters that are within the province of the government will not be tolerated. If the said ecclesiastical authorities desire to have the government respect their rights and afford them every kind of protection in the free exercise of their religion, they must not only abide by the laws and lawful orders of the government, but they must also acknowledge and respect the principle of the separation of church and state.

On matters purely ecclesiastical, the Catholic bishops may speak for the Filipino Catholics; but when it comes to expressing the will of the Filipino people as a political entity on any matter concerning legislation or governmental measures, the Catholic bishops, some of whom are not Filipinos, are assuming too much when they pretend to speak for our people as they do in the pastoral letter when they say that the majority of the Filipino people are demanding the enactment of the bill which I have vetoed. The fact that the majority of the National Assembly voted for the said bill does not necessarily prove that the majority of the people are for it. It only proves that a majority of the members of the National Assembly were for the bill.

If I were inclined to interfere in the affairs of the church, as the Catholic bishops are attempting to do with the affairs of the state, I would tell the archbishop and the bishops of the ecclesiastical province of Cebu that the lack of Sunday schools and catechists to teach the Catholic religion is mainly responsible for the deplorable ignorance of their own religion that is found among the Catholic youth. Everyone knows that there are many towns in the Philippines where parochial schools do not exist and where there is not even one single Catholic priest. It seems that the high authorities of the Catholic Church would blame the government for the negligence or inability of the ecclesiastical authorities to perform their duty to teach the doctrine of their faith. The words of our Lord Jesus Christ cited in the pastoral letter, "Teach all nations . . . teaching them to observe all things whatsoever I have commanded you," are not addressed to kings or presidents, but to the apostles and their successors—the bishops.

A very unfair campaign has been launched against the government, making it appear that we are not complying with the provisions of the Constitution regarding optional teaching of religious instruction. The truth is the opposite, as evidenced by the fact that while the enrollment in classes in religious instruction during the academic year 1932-33 was only 29,996, this had increased to 187,089 in the

academic year 1937-38. During this past school year in the 817 schools in which religious instruction was given, more than one half of the children enrolled in these schools received religious instruction.

Days for Religious Instruction

Moreover, if the desire is to have hours exclusively devoted to religious instruction in the public schools, so that the regular school activities may not interfere with said instruction, I am placing Saturdays and Sundays at the disposal of all the ministers of all the religions existing in the Philippines. On Saturdays and Sundays the public schools are not being used for school purposes, and therefore they may be used for religious instruction if it is so requested. What is prohibited in the existing legislation and by the constitution, and that which, therefore, I may not allow, is that any hour needed for public-school purposes be devoted to religious instruction.

It is my earnest conviction that the Filipino people will not heed the call which will drag them into a religious controversy such as would result if the threat of the ecclesiastical authorities, as stated in their pastoral letter to wage anew another campaign to change the present status of optional religious instruction as provided in the constitution, is carried out.

The Snare of a "Right" Conscience

by A. R. BELL

THERE IS AN ORGANIZATION among men that holds as a fundamental principle that "a man enjoys religious liberty when he possesses the free right of worshiping God according to the dictates of a *right conscience*." [Italics mine.]

In this statement is the germ of all religious intolerance. The term "right conscience" is, and always has been, at the bottom of all the religious persecution, down through all time.

The interpretation of what a right conscience is, must, in the very nature of the case, remain with the organization or the individual who holds such an opinion. And that interpretation must of necessity be in conformity with what that individual or organization holds a "right" conscience to be. To all intents and purposes, only he who submits to that interpretation can have the right to enjoy religious liberty.

This same organization, after declaring what it believes religious liberty to be, and professing to be the champion of religious liberty, makes the following

statement: "Religious liberty may be tolerated by a ruler when it would do more harm to the state or the community to repress it." One can picture in his mind the kind of religious liberty this organization believes in when it talks of a "right conscience" and religious liberty being "tolerated." It surely must be a religious liberty that does not harmonize even with their own concept of it. It is the very antipodes of religious liberty.

The matter of a "right conscience" is leading to a multitude of views which, when put to the proving, have no more religious liberty in them than the worst form of religious tyranny. In this connection I call to mind a statement in "Leading Facts of American History," page 111, concerning Rhode Island. "Not a single blot of religious persecution rests on the fair pages of the history of the colony."

The ultimate of a "right conscience" has always had to meet and suffer from the "powers that be." Sooner or later the exponents of a "right conscience"

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turn aside from the audience chamber of the Author of liberty, and put their trust and confidence in ordinances, state legislations, and national decrees.

Such a program, throughout the history of the human race, has always meant persecution for conscience' sake. In other words, the recognition of right has always been denied by the advocates of a "right conscience."

We need to be ever on guard. Eternal vigilance is liberty's price in things civil and religious. It has been said, and truthfully, that "the right of conscience cannot be so successfully assailed as under the pretext of holiness."—*Sunday Mail Report*.

In the early history of our own beloved land, the men who formed in America an asylum from the spirit of persecution which drove them from their native homes for conscience' sake, brought with them to their safe retreat the same spirit; and by them men and women were scourged, and others put to death because they would not submit to having forced upon them a liberty that meant bondage, because that so-called liberty was "according to the dictates of a 'right conscience.'"

The term "right conscience" savors of bigotry, and there is no greater foe to religious liberty than religious bigotry.

In the following poem under the title, "The Bigot's Creed," religious bigotry is very fittingly described.

"Believe as I believe—no more, no less;
That I am right, and no one else, confess;
Feel as I feel, think only as I think,
Eat what I eat, and drink but what I drink,
Look as I look, do always as I do;
And then, and only then, I'll fellowship with you.

"That I am right, and always right, I know,
Because my own convictions tell me so;
And to be right is simply this: to be
Entirely and in all respects like me.
To deviate a jot, or to begin
To question, doubt, or hesitate, is sin.

"Let sink the drowning man, if he'll not swim
Upon the plank that I throw out to him;
Let starve the famishing, if he'll not eat
My kind and quantity of bread and meat;
Let freeze the naked, too, if he'll not be
Supplied with garments such as made by me.

"T were better that the sick should die than live
Unless they take the medicine I give.
T were better sinners perish than refuse
To be conformed to my particular views;
T were better that the world stood still than move
In any other way than that which I approve."

God save us from "the dictates of a right conscience."

MEN may discard the gold standard in their monetary dealings without suffering loss, but they cannot afford to dispense with the standard of the golden rule.

FOURTH QUARTER

Resolution of Southern Baptist Convention

Separation of Church and State

EXTENSION OF REMARKS
of

HONORABLE MALCOLM C. TARVER
of Georgia

In The House of Representatives
Wednesday, June 21, 1939

Resolution Adopted by the Southern Baptist
Convention

MR. TARVER: "Mr. Speaker, under leave to extend my remarks in the *Record*, I include the following resolution offered by L. E. Barton, Jasper, Alabama, and adopted by the Southern Baptist Convention in session in Oklahoma City, Oklahoma, May 20, 1939:

"Resolution urging care in safeguarding the principle of the separation of church and state:

"WHEREAS, Upon the recent death of Pope Pius XI both Houses of the United States Congress adjourned in honor of the pope; and,

"WHEREAS, The President later sent Mr. Joseph P. Kennedy, Ambassador to the Court of St. James, as his personal representative to Rome to witness or participate in the crowning of Pope Pius XII;

"Be it resolved, 1. That we recognize in the decrease of the late pope the passing of a distinguished world citizen which brought keen sorrow to all peoples of his faith, with whom we sympathize in the loss of their leader.

"2. That we, the messengers to the Southern Baptist Convention in session at Oklahoma City, Oklahoma, May 20, 1939, and representing more than 4,000,000 Southern Baptists, do cheerfully recognize and champion every person's right and liberty to make his own choice in matters of religion.

"3. That the right and freedom of religious opinion does not justify the union or mingling of state and church, but rather requires and demands that the two be kept separate and inviolate, the one from the other.

"4. That we deplore and protest such actions by Congress and the President of the United States as unwise and unwarranted, and as indicating a dangerous tendency toward the union of church and state, which is a chief cause of the troubles of the Old World.

"5. If the sending of the Ambassador of the United States was to honor the crowning of an ecclesiastical head we believe it was an obvious violation of the traditions of this Republic and of the spirit of the First Amendment of our Constitution even if, per-

haps, not of its letter. If this course was in honor of the crowning of the civil ruler of a state with which we are not in diplomatic relations, it was as obviously an impropriety.

"6. That we request Congress and the President to adhere strictly to the principles on which our Government was founded and the basal principle of separation of church and state so plainly taught in the first section of the Bill of Rights in our Constitution.

"7. That copies of these resolutions be delivered by the public relations committee to the Secretary of State and to members of the House and Senate of the United States Congress."—*Congressional Record*, June 21, 1939.

Shall Sectarian Schools Receive Federal Aid?

PRESIDENT FRANKLIN D. ROOSEVELT in his message to Congress, in transmitting the report of the Advisory Committee on Education, said:

"Among the more significant recommendations of the committee are those which would permit pupils of parochial schools and other nonpublic schools to share to a limited extent in the benefits of Federal assistance. . . . Part of the proposed general aid for elementary and secondary education may be spent for textbooks and reading materials, transportation of pupils, scholarships for pupils sixteen to nineteen years of age, and for health and welfare services. These are the services the committee would make available to children in nonpublic schools, so far as the Federal legislation is concerned."

The President in his message to Congress states that all these benefits from the Federal Government, including scholarships, "may be made available for pupils in privately controlled schools," and "should be determined by the States, or by the local school jurisdictions receiving the grants."

This proposed legislation opens the door wide for parochial-school children to receive Federal aid for their religious education. Some local school jurisdictions are under the control of a religious organization, and under the proposed setup in this bill, they would be given a free hand to use our Federal tax funds to give a scholarship to a student in a religious school for a religious education and preparation for the ministry or priesthood. This is certainly an innovation, a new thing, so far as our American ideals of government are concerned. It is a breaking down of the barriers which have thus far separated the church and the state in the United States. If this bill is enacted into law by Congress, a financial alliance will be established between the church and the state. Of all the political alliances which may be

formed between the church and the state, a financial alliance is fraught with the gravest dangers. It means that the government which offers such financial assistance to religion will ultimately administer and control religious education, and that the churches will lose their freedom and independence. That is the way it has always worked in the past wherever the experiment has been tried.

There was another Roosevelt in the White House several years ago whose first name was Theodore. When a similar proposal was made to him to lend his influence in favor of such a program, he replied as follows:

"We are against any division of the school fund, and against any appropriation of public money for sectarian purposes. We are against any recognition whatever by the state in any shape or form of state-aided parochial schools."—*Quoted from Theodore Roosevelt's Book on "American Ideals."*

The above is excellent counsel and a wise course to follow. This statement is in harmony with what President U. S. Grant said when a similar proposal was made to him. He said: "Let us . . . encourage free schools, resolve that not one dollar appropriated to them shall go to the support of any sectarian school; resolve that neither State nor nation shall support any institution save those where every child may get a common school education, unmixed with any atheistic, pagan, or sectarian teaching; leave the matter of religious teaching to the family altar, the church, and the private school, supported entirely by private contribution. Keep church and state forever separate."—*"American State Papers," p. 236.*

When the State of Oregon enacted a law to compel all students in parochial and private schools to attend the public schools, the Catholics as well as the Seventh-day Adventists who conducted church schools in Oregon, appealed the case to the Supreme Court of the United States for a final decision. The Supreme Court of the United States decided against the Oregon law. In the brief which the Catholic attorney presented to the Supreme Court of the United States in this case, he stated: "No sectarian school should seek or accept State aid. The public schools cannot and ought not to attempt to train students in religious lines. . . . The measure is 'paternalism' on the part of the State, and a thousand evils will surely follow."

If the Catholic Church will remain true and loyal to the statement it made before the Supreme Court of the United States, she will spurn every offer of the Federal Government to aid the pupils in her schools. Her statement is worth repeating: "No sectarian school should seek or accept State aid." C. S. L.

THE inalienable rights of all men are the gift of God, which no government by right can take away.

• Editorials •

Texas Legislature Denies Aid to Parochial Schools

THE CONTINUED ATTEMPT on the part of some citizens to secure help from the government for religious institutions has met a reverse in Texas. The House of Representatives of that State refused a measure that had been proposed looking to an amendment to the constitution to allow the legislature to appropriate funds for free textbooks and other services for the use of pupils in private and parochial schools. It appears that a two-thirds vote was necessary, and the measure was defeated by sixty-six nays against sixty-one ayes.

We firmly believe that this action of the Texas Legislature was a wise one. We are continually surprised that men so soon forget the lessons of the past. The founders of this nation, having seen with their own eyes the baleful effects of the union of church and state, naturally sought to prevent their recurrence. If anyone is inclined to think that their ardor carried them too far, he should read again the pages of history which show so clearly that even the slightest approach to the commingling of religion and government is fraught with extreme danger.

H. H. V.

Baptists Straight on Religious Liberty

AN ASSOCIATED PRESS DISPATCH from Atlanta under date of July 23, referring to the World Congress of Baptists which was in session, gives a portion of an address by Dr. George W. Truett of Dallas, Texas. Speaking at the Southern Association Baseball Park, Doctor Truett said, among other things:

"Our doctrine of religious liberty in America is for all our people alike." The Baptists' conception of religious liberty, he said, is that it is "the nursing mother of all liberty." Baptists claim it "not only for themselves, but as well for all others—for Protestants of all denominations, for Romanists, for Jews, for Quakers, for Turks, for pagans, for all men everywhere."

Pleading for liberty rather than toleration, Doctor Truett said: "Toleration is a gift of man, while liberty is a gift of God."

Protesting against some things of recent occurrence, Doctor Truett further said: "The Pope is simply the honored head of the Roman Catholic Church. . . . He has, in fact, no better title to receive

governmental recognition . . . than has the Archbishop of Canterbury, or the Moderator of the Presbyterian General Assembly of the United States, or the presiding bishop of the United Methodist Church of this country."

Referring to conditions in other parts of the world, he continued: "The astounding fact of ghastly persecutions, both racial and religious, continues to challenge the whole world with horror, and to make a blot that is unspeakable disgrace to civilization. . . .

"While we are lamenting the loss of religious liberty and other civil rights in different sections of the world, it behooves us to open our eyes to insidious encroachments here in our own land."

Because it is indisputable that eternal vigilance is the price of liberty, it is good to have voices raised in warning and admonition, and it is a source of encouragement to all lovers of liberty to have the great Baptist denomination defining the issues so clearly in this and other meetings.

H. H. V.

Sunday Laws a Thorn in the Flesh

AN ASSOCIATED PRESS DISPATCH from Seattle, Washington, reminds us anew of the fact that blue laws on the statute books are always a menace to liberty. These measures are weapons already forged for the hands of bigots. Sometimes we are inclined to be a little cynical and wonder when, if ever, men will learn that morality cannot be advanced by force of civil law. Our friends who believe in Sunday sacredness should recognize that only by education can the minds of men be convinced. All the experiences of the past teach the futility and folly of endeavoring to convince by force. The dispatch reads as follows:

"Such Sunday amusements as motion-picture shows, baseball games, and horse races faced a ban in King County today under a 1909 'blue law' revived from the archives in a campaign against gambling and vice.

"The law prohibits Sabbath day amusements and labor except the operation of livery stables or 'other works of necessity or charity.' Even shaving and hair cutting are banned.

"The edict came from King County Prosecutor B. Gray Warner, who said he had a pledge of cooperation from Police Chief William Sears and would call for State police assistance if necessary. His action followed city gambling allegations aired in a recent

Seattle trial and a clergyman's pulpit summons for a public crusade against vice and gambling.

"If we stop one violation, we must stop all," Warner said.

"The youthful prosecutor's action came at the peak of the Sunday sports season. Baseball drew 11,500 last Sunday, and the first Sunday race program at Longacres track drew 7,500 the same afternoon."

The prosecutor is right when he says that "if we stop one violation, we must stop all." Fairness demands this. We sometimes think that the best way to rid the statute books of these anachronisms would be to enforce them without any exceptions or exemptions. We believe that even those who clamor for them would soon cry for their repeal.

Everyone has a right to keep Sunday who wants to, and every religious body has a right to be protected from molestation in its worship. But no group has a right to attempt to enforce its ideas concerning religion upon any other group, and we repeat that every effort to do so hurts the cause of religion. H. H. V.

European Countries Upholding Religious Freedom

MOST REFRESHING NEWS has reached us that certain countries in Europe have resolved to uphold the great fundamental principles of religious freedom for all their citizens, and not merely for a special group. These good tidings are coming to us from Rumania, Jugoslavia, Bulgaria, and Turkey. It was in these regions that the apostle Paul first preached the gospel in Europe, after he had heard in a vision the Macedonian call: "Come over . . . and help us." How encouraging and inspiring it would be to Paul to know that today the gospel can be freely preached and practiced in those regions without molestation from the civil authorities. Paul had his troubles, and he spent some time in prison in Philippi for preaching the gospel. But eventually the power of the gospel triumphed over paganism. God does not want His gospel to be chained, nor does He want to force His gospel upon the people. God created all men free, and He never enslaves the conscience in religious matters.

Those who are in charge of the administration of the governments in Rumania, Jugoslavia, Bulgaria, and Turkey deserve to be complimented for granting complete liberty to all their citizens in religious as well as in civil prerogatives.

Those nations which have granted the blessings of liberty to all their citizens alike have been prospered the most. No nation can lift itself up by pulling the rights of its citizens down. No nation can afford to grant to some of its citizens special privileges which it denies to others. All citizens, as well as all religions

in a nation, should stand on the same equality before the law and the bar of justice.

Charity toward those whose opinions and beliefs disagree with ours is the greatest evidence that the grace of God has influenced our hearts, and that the Spirit of God has planted in our hearts the love of God for sinners. There is nothing greater in this world, says the apostle Paul, than charity—love for our enemies. It is easy to love our friends. All men can do that whether they are converted or not. But only those who have experienced a new heart will have grace to love their enemies.

We wish that all nations would recognize the fact that the less they exercise governmental control in the realm of spiritual things, the happier their citizens will be, because of the fact that they are free men. The strongest sentiment that God has planted in the soul of man is the love of liberty. No sword of steel can drive it out, no fire can burn it out, no dungeon can shut it out, no fetters can shackle liberty in the heart of man. May the good hand of God bless the rulers and lawmakers of Rumania, Jugoslavia, Bulgaria, and Turkey in their benevolent attitude toward the rights of all their citizens without discrimination, without the bestowal of special favors denied to others. Such a course of action can result only in good to their countries, and will make for peace and stability in every emergency and national crisis. C. S. L.

Should All Laws Be Obeyed?

IT IS FREQUENTLY STATED: "The laws of the land should be obeyed that the dignity and majesty of the state may be upheld." On general principles we agree with this legal axiom. But there are striking exceptions to this rule.

When the state enacts laws which are in conflict with the natural rights of man, and which deny every fundamental principle of essential justice to man, the state itself forfeits its claim for respect, dignity, and the majesty it ought to command. If the state enacts undignified laws, it can expect nothing else as a consequence but that it will lose some of its dignity, so far as the people are concerned.

For instance, when the state enacted laws in the past, making the husband the absolute custodian of all the privileges of his wife, and gave him authority to flog his wife as often and as hard as he wanted to, so long as he did not kill her, the state certainly deserved to lose the respect of every woman in the world. Such a law was more honored in the breach than in its observance.

When Blackstone, the greatest English legal authority, laid down the rule that "the very being or legal existence of the woman is suspended during

marriage," he certainly violated every principle of essential justice and every natural right of mankind so far as women are concerned. Because of that undignified and unjust ruling, the wife of every husband under English jurisprudence was regarded as the ward and serf of the husband, and was denied the enjoyment of her God-given, inherent, and inalienable rights, and frequently had to suffer the grossest indignities at the hands of a brutal husband.

Again, whenever the state assumes the role of a totalitarian form of government, and is ruled by arbitrary decrees in place of by the sovereign laws of the people, it is in danger of coming in conflict with some inherent right of its citizens. Whenever a ruler sets up his authority above that of God, and issues decrees which are in direct conflict with the laws of God and the teachings in His word, the answer of every faithful child of God must ever be: "God must be obeyed in preference to men."

When Nebuchadnezzar, the king of Babylon, made a decree compelling all men to bow down and worship the golden image that he had set up, the three worthies refused to bow the knee or worship the image. The king held that the majesty of the law must be upheld, and it could not be "changed." So the three Hebrews were thrown into the fiery furnace, but God delivered them and vindicated the course of these men for refusing to obey the king's decree, and the king himself acknowledged his error. The same thing happened when Darius, the king of the Medes, made a decree prohibiting worship for thirty days. Daniel refused to obey the decree of the king and worshiped as he did "aforetime." The king, as well as the Medes, declared "that no decree nor statute which the king establishes may be changed." God delivered Daniel from the den of lions and vindicated his course in disregarding the king's decree. Again a king was forced to acknowledge his error in attempting to interfere with the free exercise of religion. These miraculous deliverances and these historic incidents should constitute an everlasting lesson to all rulers that they must not prescribe nor proscribe religious duties and obligations.

It is just as improper to enforce a true religion as a false religion. It is just as tyrannical to prohibit the propaganda and free exercise of a false religion as of the true religion. All religion should be left unmolested, free and independent to proclaim what it considers the truth, so long as it respects and observes the civil statutes of the state and the equal rights of all men. Force has no place in religion. Religion is a personal and a voluntary matter between each individual and his God.

Every state ought to protect each citizen in the enjoyment of his natural and God-given rights either to worship or not to worship as his own conscience

dictates. On the subject of religion itself, the state, to be just to all its citizens alike, must maintain an attitude of absolute neutrality.

C. S. L.

Immorality Should Be Suppressed at All Times

WHAT IS MORALLY WRONG on one day of the week is morally wrong on every day. Many of the religious reformers oppose immorality on only one day of the week; namely, on Sunday.

We had a striking example of this recently, when H. L. Bowlby, the secretary of the Lord's Day Alliance, visited the New York World's Fair on Sunday. He alleges he saw: "Shocking vileness, nudity, shameless encouragement of sex fever, sex perversion, and possible sex crime. Crystal Palace reeks with indecency! Announcer is full of foul suggestions. Amazons bold exposures, and outside announcer there slings smut as he urges people to enter the show. Insult is added to injury by permitting such offenses on the Christian Sabbath."—*The Civic Bulletin*, May 12, 1939.

The above was part of a telegram he sent to Senator Wicks, protesting against such immoralities going on at the World's Fair "on the Christian Sabbath," meaning, of course, Sunday.

Suppose a Jewish rabbi had visited the World's Fair on his Sabbath, the seventh day of the week, and had asked the State legislature to prohibit such alleged immoralities on Saturday, because it was an insult to the Sabbath which the Jews and some Christians observe. What would Doctor Bowlby have thought of such a proposal? He would undoubtedly have answered, Isn't that Jewish rabbi a narrow-minded Jew that he cannot see that those things are bad on every day of the week, but wants only his Sabbath protected?

Another question that is puzzling us, is, Why did Doctor Bowlby go to the World's Fair on Sunday? Certainly not because he had no regard for the sacredness he attaches to Sunday. The only other motive he could have had was to do some detective work on Sunday, in order to give information to public officials, which is a well-known custom among the Lord's Day Alliance workers. But isn't sleuth work on Sunday secular work? It certainly is not one of the religious functions of the Christian church or any other church. Is a preacher justified in violating the sanctity of a day while he exhorts others to recognize it?

Doctor Bowlby reports that what he saw going on at the World's Fair on Sunday is "an outrage to decency," and "immoral," and we do not question the truthfulness of his accusation, but we do question

the basis upon which he made his complaint to Senator Wicks; namely, that indecencies seen there are "offenses on the Christian Sabbath."

It is a well-established principle of law in a country that recognizes a separation between the church and the state, that "offenses against God and religion" cannot be dealt with by the civil authorities. It is offenses against man, and not offenses against God and religion, that are punishable under our criminal statutes.

We hold that all acts of indecency and immorality and vice should be prohibited on seven days of each week and not merely on one day. An act is not immoral because it is done on a certain day of the week, but because of the very nature of the act, irrespective of whether it was done on Sunday or on Monday. All such acts should be prohibited by the state at all times because they are uncivil and are against the best interests of the state and the welfare of society. Doctor Bowlby is right in attempting to prohibit such indecencies as are immoral, but to appeal to a religious day observed by certain sects is the wrong way to correct the matter. It is never proper to make a religious obligation the basis for a civil action.

C. S. L.

NEWS and COMMENT

"High Crimes" 50 Years Ago.—Back in 1880, the newspapers of the State of Ohio listed the following misdemeanors as "high crimes:" "Keeping noxious weeds," "performing labor on Sunday," and "playing ball on Sunday."

Church Gambling.—The police in certain cities have recently interfered with the gambling activities of certain churches. These churches resorted to various gambling devices to replenish the church coffers by conducting bazaars, bingo games, raffles, and betting games, all of which netted the church a good income through chance games. It appears that things have come to a pretty pass when the secular authorities have to step in and require the churches to live up to the antigambling laws. The church cannot plead that this is an interference with religious liberty. Religious liberty pertains only to the proper function of the church in her own field of religion. Liberty is not a license to steal, defraud, and be dishonest.

Shame on Americans.—Recently in a junior high school in a certain large city in America, some forty American lads leaped upon a fellow student and beat him into unconsciousness. It was not a casual squabble, but a deliberately prepared incident. The lad

was asked, "Are you a Jew?" He answered in the affirmative. Then they jumped on him, struck him, kicked him, clawed and gouged him, till the blood oozed out of his mouth and he lay helpless and unconscious on the ground. All this was done to him because he was a Jewish lad. They cut the letter "H," for Hebrew, in the skin on the back of his neck. Your editor is a Teutonic-Nordic American, but if such actions are American, shame on America.

The Churches and the Social Security Act.—The President in his message to Congress on the Social Security Act suggested that the churches be included. But twenty-five Protestant organizations have sent a vigorous protest to Congress against churches' being included. This protest had a very salutary effect upon the committee members, and they tabled Mrs. O'Day's amendment to include the churches.

But now the National Catholic Welfare Conference, the official central agency of the Roman Catholic hierarchy in the United States, lays before Congress, through Senator David I. Walsh of Massachusetts, the following five proposals:

"(1) That lay employees of Catholic institutions be included under the [old-age benefit] provisions of the Social Security Act on the basis of a contribution on the part of the employee, but not on the part of the employer.

"(2) That the present status of our institutions as tax exempt be kept unimpaired.

"(3) That unemployment coverage be not extended to employees of religious institutions, because, since unemployment in such institutions is not seasonal, there is, generally speaking, no unemployment problem so far as they are concerned.

"(4) That clergy and religious workers be not included in the category of employees, but in the category equivalent to the family relationship as provided in the Act.

"(5) That all payments be segregated as an insurance fund rather than as a general fund constituted of taxes."

This proposal would give lay employees of Roman Catholic institutions, who are excluded from the present law, the old-age benefits now granted to employees of secular organizations. The proposal also discriminates against lay employees of Protestant, Jewish, and other sectarian institutions and organizations, because it expressly singles out "Catholic institutions." It also discriminates against employees in secular organizations. These lay employees in Catholic institutions would pay the same rate of tax as do other employees, but the Roman Catholic institutions that employ them would pay no tax. Thus the lay Catholic employee would become entitled to full old-age benefits, but there would have been only

one half the normal contribution made to the fund on their behalf, with a consequent shortage which must be made up from other sources. This would seem obviously unfair and discriminatory, and would involve the use of tax-raised moneys for the benefit of sectarian institutions.

Moreover, to include Catholic institutions and exclude other religious institutions is bound to stir up a religious controversy and religious bickerings over the proper division of tax funds. It would lead to a financial alliance between the Federal Government and the Roman Catholic Church which is bound to bring grief to both the Catholic Church and the Federal Government. The Protestant churches in the United States wisely protested against such a financial alliance between their churches and the Government. Such an alliance is in violation of the American principle of a separation of church and state.

Handbill Law Declared Void.—A United States Federal Court decision which overrules an appellate superior court decision of California was handed down by Judge Leon R. Yankwich, on June 19. The decision holds that the handbill ordinance enacted last year by the Los Angeles city council is unconstitutional and void. The Federal judge declared that "free distribution is a part of a free press."

This decision is in harmony with the recent decision of the Supreme Court of the United States relative to the Griffin, Georgia, case, in which the city ordinance prohibited "the practice of distributing, either by hand or otherwise, circulars, handbooks, advertising, or literature of any kind, whether said articles are being delivered free or whether they are being sold . . . without first obtaining written permission from the city manager of Griffin, Georgia." The Supreme Court of the United States declared that such an ordinance "strikes at the very foundation of the freedom of the press by subjecting it to license and censorship. . . . Liberty of circulating is as essential to that freedom as liberty of publishing; indeed, without the circulation, the publication would be of little value. . . . As the ordinance is void on its face, it was not necessary for appellant to seek a permit under it."

It seems strange that city councils imagine that they can legislate upon any subject under heaven and get away with it, even when they know their ordinances have been declared unconstitutional and void time and again. It is nothing short of malicious prosecution.

FOURTH QUARTER

SPARKS From the Editor's Anvil

LIBERTY once lost is seldom recaptured.

ALL totalitarian states in the past have crucified liberty.

TRUTH is like gold: the more it is rubbed, the brighter it shines.

No nation can lift itself up by pulling the rights of its citizens down.

POWERS granted to dictators are never willingly given back to the people.

A PEOPLE who surrender their right of sovereignty bid adieu to it for aye.

RELIGIOUS intolerance proscribes religious privileges for all dissenters.

FUNDAMENTAL rights are not for a special group, but are of universal application.

A PLIANT soul who lacks principle and courage, always seeks a pleasant road and flowery beds of ease.

THERE is nothing greater than the exhibition of charity toward those who dissent from our opinions.

A LOVER of truth will follow it, even if it leads to the prison cell, the rack of torture, or the martyr's crown.

THE denial of fundamental liberties to the people is what drives them to the overthrow of their government.

THE man who thinks that his rewards as well as his punishments lie entirely beyond this world is deceiving himself.

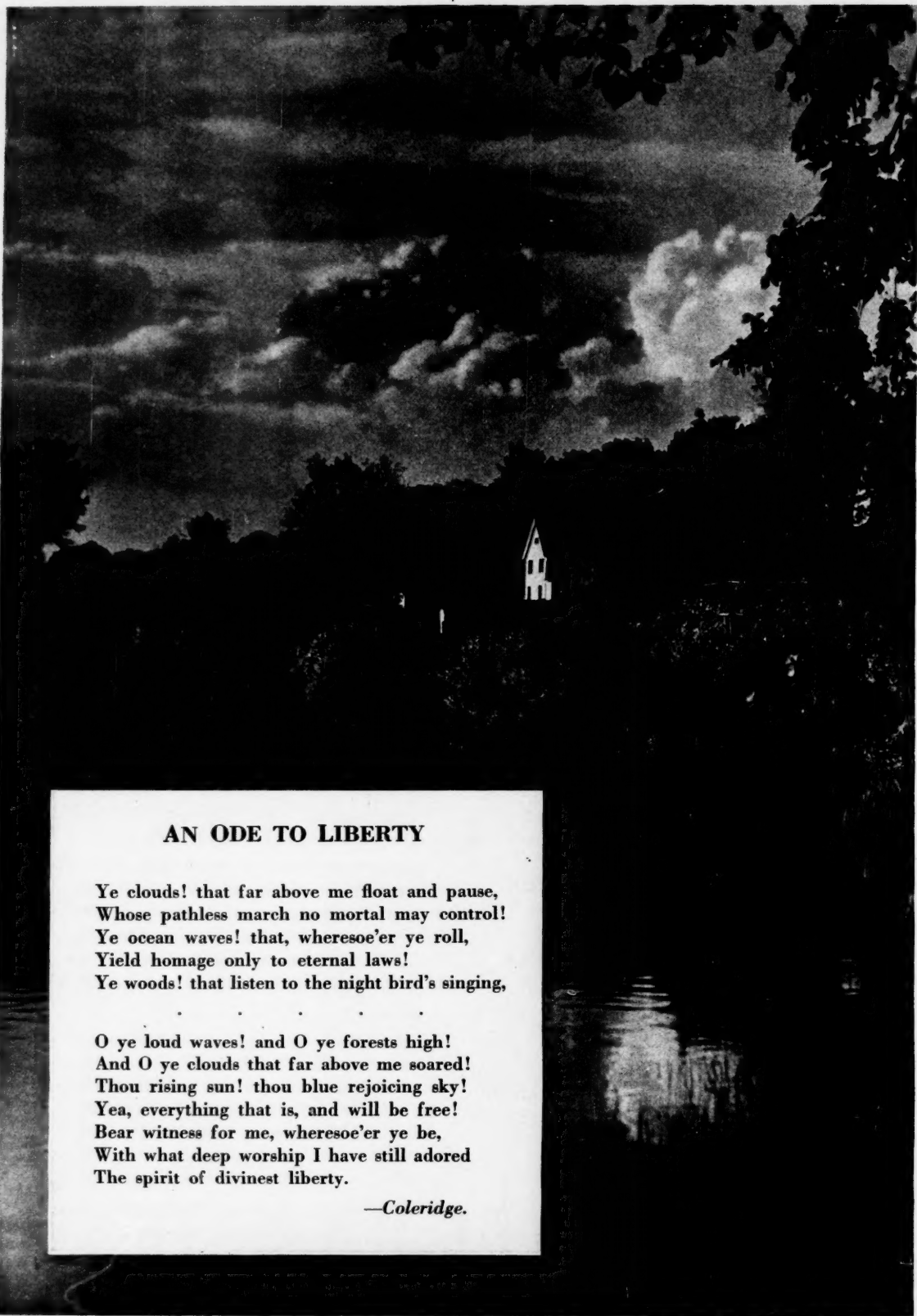
A COUNTERFEIT coin sometimes looks brighter than a worn genuine coin. Don't be deceived by looks.

THE Constitution was created by the people primarily as a check upon and limitation of powers of the Government.

THE way to defeat error is not to crush it, but by demonstrating that truth, when left free, has sufficient virtue to defend itself, and produces the greater benefits.

THE longer a people submit to the unjust and arbitrary rule of a demagogue, the less they are prepared to meet the responsibilities of freedom and make democracy a success.





AN ODE TO LIBERTY

Ye clouds! that far above me float and pause,
Whose pathless march no mortal may control!
Ye ocean waves! that, wheresoe'er ye roll,
Yield homage only to eternal laws!
Ye woods! that listen to the night bird's singing,

O ye loud waves! and O ye forests high!
And O ye clouds that far above me soared!
Thou rising sun! thou blue rejoicing sky!
Yea, everything that is, and will be free!
Bear witness for me, wheresoe'er ye be,
With what deep worship I have still adored
The spirit of divinest liberty.

—Coleridge.

